

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

December 8, 2021

Note: These minutes are not completed verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at www.LTC.org.

Due to the COVID-19 pandemic, this meeting was held both in person and virtually using Zoom.

Members Present: Chairwoman Varum, Brad Buitenhuys, Weston Standish, Stephen Laput, William Lovely (Zoom)

Members Absent: Kevin Dillon and Perry Downs

Others Present: Peter Cutrumbes, Assistant Planner

CALL TO ORDER

The meeting was called to order by Chairwoman Varum at 7:02 PM.

ORDER OF BUSINESS

CONTINUED BUSINESS

Notice of Intent

John Faneros
16 Mount Joy Drive
Tewksbury, MA 01876

DEP #: Pending

Project Location: 19 Clifton Street, 01850

A Notice of Intent has been filed by John Faneros to construct a new single family house within the 100-year flood plain. **This project has not received a filing number from Massachusetts DEP.**

On Behalf: Ken Lania, Engineer, presented the project. K. Lania said that the compensation area would be excavated out in advance of the construction.

Speaking in Favor: None

Speaking in Opposition: Denise Roy, 7 Clifton Street, is an abutter and expressed her opposition. She says the back area of the lot continually floods.

Discussion: L. Varnum asked if there would be additional staging and fencing in the area, as it has fallen into disrepair. K. Lania said that they would be happy to meet any conditions the Conservation Commission asks. L. Varnum said that the backyard during a recent site visit was damp. K. Lania said that he believes it may be because of a high water table. B. Lovely asked if we could display the Site Plan next time.

Motion: B. Buitenhuys motioned to continue to 1/12, with W. Standish seconding. The motion passed unanimously (5-0).

Request for Determination of Applicability

Sovann Kong
1535 Middlesex Street
Lowell, MA 01851

Project Location: 51-57 Shirley Avenue, 01854

A Request for Determination of Applicability has been filed by Sovann Kong to remove brush. The proposed work will take place in the 100-year floodplain.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion:

Motion: W. Lovely moved to continue to the 1/26 meeting, and was seconded by B. Buitenhuys. The vote was unanimous (5-0).

Request for Determination of Applicability

Chantho Mo
138 Martin Street
Lowell, MA 01854

Project Location: 138 Martin Street, 01854

A Request for Determination of Applicability has been filed by Chantho Mo seeking approval to repave and expand their driveway which was previously expanded in the 100-year floodplain without Conservation Commission approval. The applicant is also seeking approval to reconstruct and expand a deck which has fallen into disrepair in the 100-year floodplain.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion: B. Buitenhuys did feel that the additional paved area did not alter the contour.

Motion: B. Buitenhuys moved to continue to 1/26, and was seconded by W. Standish. The motion passed unanimously (5-0).

Request for Determination of Applicability

Suelene Caetano
509 Wentworth Avenue
Lowell, MA 01852

Project Location: 509 Wentworth Avenue, 01852

A Request for Determination of Applicability has been filed by Suelene Caetano to construct a three-season porch within the 100-year floodplain.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion: No property owner at the meeting.

Motion: B. Buitenhuys motioned to continue to 1/12, and was seconded by W. Standish. The motion passed unanimously (5-0).

NEW BUSINESS

Request for Determination of Applicability

Lowell Regional Water Utility
815 Pawtucket Boulevard
Lowell, MA 01854

Project Location: Pawtucket Boulevard and Varnum Avenue, 01854

A Request for Determination of Applicability has been filed by the Lowell Regional Water Utility to connect an existing water main at Dunbar Avenue and Pawtucket Boulevard to a new water main which will extend and connect to an existing water main at the intersection of Varnum Avenue and Mammoth Road.

On Behalf: Evan Walsh from the LRWU introduced the project. The project will provide redundancy across the river, but will have to go under culverts on the brooks in the area.

Speaking in Favor:

Speaking in Opposition:

Discussion: L. Varum asked about erosion controls. Paul Pyros spoke to the erosion controls they will be providing on both sides of the roads. He said they are planning on straw wattles, but are happy to take Commission recommendations. L. Varum asked when the work would happen. P. Pyros said from roughly July-November of 2022 for the water main, and final paving restoration will take place in the spring of 2023. W. Lovely asked if there are any other planned projects in this area. E. Walsh said because it will be repaved, it will be under a 5 year moratorium.

Motion: B. Buitenhuis moves to make a negative III determination, which was seconded by S. Laput. The motion was unanimous (5-0).

Certificate of Compliance

Riverbank Properties, LLC
908-966 Lawrence Street
Lowell, MA 01852

DEP #: 206-0800

Project Location: 908-966 Lawrence Street, 01852

A Request for a Certificate of Compliance has been filed by Cornerstone Land Associates, on behalf of Riverbank Properties, LLC, for their parking expansion project at 908-966 Lawrence Street.

On Behalf: K. Lania spoke on behalf of the project. He said that obtaining the required materials was delayed during the pandemic, but all the conditions and stabilization required by the Commission have been met.

Speaking in Favor:

Speaking in Opposition:

Discussion: L. Varum asked about the slope leading up to the water between the granite curbing and the river. K. Lania said the landscaping and loam has been installed. L. Varum asked about revisiting this in the spring to see if it is stabilized. In particular, she expressed concern about erosion around the tree trunks. B. Buitenhuis expressed a desire for a 2 year monitoring period and for the mulch to be pulled back and replaced with grass.

Motion: B. Buitenhuis motioned to grant with the condition of a 2 year monitoring period and the removal of mulch from the slope on the northeast corner of the site and plant some mixed grasses. The motion was seconded by S. Laput. The motion passed unanimously (5-0).

Notice of Intent

Aravind Srinivasan
Anka Homes, LLC
34 Arcola Street
Lexington, MA 02420

DEP #: 206-0809

Project Location: 87 Lafayette Street, 01854

A Notice of Intent has been filed by Anka Homes, LLC to construct a single-family home and driveway within the 100-year floodplain.

On Behalf:

Speaking in Favor:

Speaking in Opposition: Paul Belley, 65 Alma Street, spoke in opposition due to 2 flood events in the last 20 years. Jason Perry, 99 Rosemont Street, spoke strongly in opposition. Sharon Janda 84 Lafayette Street, expressed similar concerns, and noted that the runoff from this property runs into her driveway. Janet Callan (104 Elm Street) and Stephen Laderoute (78-80 Alma Street) expressed similar concerns.

Discussion: L. Varum asked if there would be testing of the soil on the site. Representative for the applicant, Michel El-Ashkar, said they would be doing this. M. El-Ashkar said the first floor would be above the flood line. L. Varum said the Commission's concern is anything taking up space in the flood plain area that would prevent water retention. M. El-Ashkar said he has been making changes after speaking to City Engineer and Wastewater staff. B. Buitenhuys asked how they will account for additional volume in the flood zone, which are is attributable to the supports. W. Lovely said that there is not sufficient information to take a vote. He also said that the size of the footings could change based on storm conditions. He said he is in favor of continuing with the feeling that there is not enough information. L. Varum said she wants to see the results of the test pits, the slab details, and the volume replacement. B. Buitenhuys suggested that perhaps approval could be dependent on the results of the test pit. W. Standish said that flood plain compensation should be the main concern. W. Lovely said they must confirm that there is no lost flood storage within each contour, and that more clarity is required around onsite stormwater management. B. Buitenhuys said he will not approve the project if there is not compensation for any flood storage lost.

Motion: L. Varum moved to continue to 1/26, which was seconded by S. Laput. The motion passed unanimously, (5-0).

Request for Determination of Applicability

Hardik Patel

11 Perron Way

Lowell, MA 01854

Project Location: 11 Perron Way, 01854

A Request for Determination of Applicability has been filed by Marcos de Oliveira, on behalf of Hardik Patel, to construct an addition to the single family home at 11 Perron Way within the 100-ft buffer zone to the Bordering Vegetated Wetlands (BVW).

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion: L. Varnum said it is outside the buffer but that the Commission is concerned about loose soil or debris rolling down the hill, and asked if they can put up a silt fence. J. Silva agreed.

Motion: W. Standish motioned to issue a negative 3 determination, and B. Buitenhuys seconded. Motion passed unanimously.

OTHER BUSINESS

Election of Officers

W. Standish motioned to continue to 1/12, and was seconded by B. Buitenhuys. This motion passed unanimously (5-0).

Public Hearing on National Grid's Updated Proposal for the Lowell Area Gas Modernization Project

L. Varnum discussed some of the conditions for the agreement, including a donation for conservation in the City and the preservation of some large trees along the construction. W. Lovely discussed the various conditions of the MASSDEP superseding order of conditions. W. Standish asked what the minimum diameter was to preserve the trees. National Grid answered 16-24 inches.

M. Jorgenson said they are voting to accept the amended NOI pursuant to the WPA and issue the superseding order of conditions under the local wetlands bylaw. W. Lovely motioned to issue an approval of the amended Notice of Intent pursuant to the City of Lowell wetlands ordinance, and issue a City OOC with the following 3 conditions 1) save the trees outlined in the amended plan following the site visit, 2) accept the \$14,000 donation to offset the lost trees, 3) ensure that the natural regeneration of the area takes place by incorporating the specific conditions from the DEP superseding order of conditions, and was seconded by W. Standish. The vote was 4-0-1 (B. Buitenhuys abstaining).

ADJOURNMENT

B. Buitenhuys motioned to adjourn, and W. Standish seconded. The vote was unanimous, (5-0).
Adjourned at 8:38 PM.